CONSTITUTIONAL LAW — SEPARATION OF POWERS — CURATIVE LEGISLATION AFTER JUDICIAL DETERMINATION. — On an information in the nature of *quo warranto* against the members of a local board of education, judgment was given for the defendants. The supreme court reversed this judgment on the ground that their election was void because women, who had participated, were not entitled by law to vote, and remanded the cause to the lower court directing that a judgment of ouster be entered. Before this was entered, the legislature passed an act providing that where all inhabitants, regardless of sex, had voted for a board of education, such election was thereby declared valid. The judgment of ouster having nevertheless been entered, an appeal, based on the statute, was prosecuted. *Held*, that the judgment be affirmed. *People* v. *Clark*, 133 N. E. 247 (Ill.).

Curative acts are usually valid if the enactment was originally within the power of the legislature. *Stockdale* v. *Ins. Co.*, 20 Wall. (U. S.) 323. See COOLEY, CONSTITUTIONAL LIMITATIONS, 7 ed., 134–139, 330–331, 528–546. Nor does the pendency of litigation affect this principle. *United States* v. *Heinszen & Co.*, 206 U. S. 370; *State* v. *Manning*, 14 Tex. 402. See 34 HARV. L. REV. 212. The intervention of a final judgment may, however, be material. If there has been no judgment, the operation of the statute is to clothe with *de jure* authority officers who have previously had an actual *de facto* existence. See *People* v. *Stitt*, 280 Ill. 553, 117 N. E. 784. *Cf. Pennsylvania* v. *The Wheeling and Belmont Bridge Co.*, 18 How. (U. S.) 421; *Western Union Tel. Co.* v. *Louisville and N. R. R. Co.*, U. S. Sup. Ct., Oct. Term, 1921, No. 259. But if a final judgment of ouster has been rendered, their existence even *de facto* has been terminated, and there is nothing upon which the statute can operate, unless it overturns the judgment. This would be an unconstitutional exercise of judicial power by the legislature. *People* v. *Owen*, 286 Ill. 638, 122 N. E. 132. *Cf. People* v. *Cowen*, 233 Ill. 308, 119 N. E. 335. See ILL. CONST., Art. 3. However, it seems that the legislature originally had power to make appointments to the offices in question. *Cf. People* v. *Morgan*, 90 Ill. 558; *People* v. *Hoffman*, 116 Ill. 587, 5 N. E. 596, 8 N. E. 788. It is probable that the present statute might with propriety have been construed as making appointments to them. The court, however, apparently overlooked this possibility. Despite the application by the court of the ordinary rule of presumption against a legislative intent to make a statute retrospective, it is evident that the statute was intended to supply a remedy for the situation in question. The decision seems, therefore, open to criticism.

EQUITY — JURISDICTION — INJUNCTION BY CROPPER AGAINST LANDLORD WHO SEEKS FORCIBLY TO OUST HIM FROM THE PREMISES. — The parties entered into a contract by which the defendant was to furnish the land and fertilizer, and perhaps the seed, and the plaintiff to furnish the tools and to perform the labor necessary to cultivate and harvest the crops. The crops were to be divided when harvested, and are now ready to harvest. The defendant, with others, attempted to kill the plaintiff, and by force to induce him to quit the contract. The plaintiff fears bodily harm if he attempts to continue the work, and prays that the defendant be enjoined from molesting the plaintiff and that a receiver be appointed to harvest the crop. *Held*, that the prayer be granted. *Bussell* v. *Bishop*, 110 S. E. 174 (Ga.).

Assuming, as the court does, that the plaintiff was an employee only, the appointment of a receiver to carry out the contract cannot be supported. The plaintiff had an action at law for breach of an implied promise not to hinder performance, or for breach of the defendant's express promise in the event the defendant refused to perform. See 2 WILLISTON, CONTRACTS, § 677. This remedy would have adequately protected the plaintiff's rights under the contract. The crop was ready for harvesting, and damages, therefore,